

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN W. DALTON JR.,

Petitioner,

vs.

ROB JEFFREYS,

Respondent.

4:22CV3269

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Leave to Appeal in Forma Pauperis, [Filing No. 43](#), and Motion for Certificate of Appealability, [Filing No. 44](#). Petitioner filed a Notice of Appeal, [Filing No. 41](#), on July 29, 2024. Petitioner appeals from the Court's Memorandum and Order and Judgment dated July 2, 2024. [Filing Nos. 39 & 40](#). Upon review of Petitioner's Motion for Leave to Appeal in Forma Pauperis, the Court finds Petitioner is entitled to proceed in forma pauperis on appeal.

Petitioner's Motion for Certificate of Appealability, [Filing No. 44](#), is clearly addressed to the Eighth Circuit Court of Appeals, as this Court previously determined that it would not issue a certificate of appealability. See [Filing No. 39 at 10](#). The Court, therefore, will direct the Clerk of the Court to terminate the motion event and transmit the Motion to the Eighth Circuit Court of Appeals along with Petitioner's Notice of Appeal.

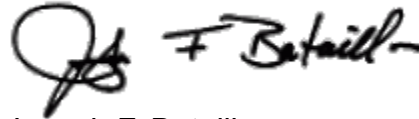
IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Appeal in Forma Pauperis, [Filing No. 43](#), is granted.

2. The Clerk of the Court is directed to terminate the motion event for [Filing No. 44](#), Petitioner's Motion for Certificate of Appealability, and transmit [Filing No. 44](#) to the Eighth Circuit Court of Appeals as a supplement to Petitioner's Notice of Appeal.

Dated this 6th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Joseph F. Bataillon
Senior United States District Judge